

Lexington, Kentucky September 8, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 8, 2005 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding, and the following members of the Council: Council Members Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer and Stevens.

The reading of the minutes of the previous meeting was waived.

Ordinances No. 225-2005 thru 244-2005 inclusive and Resolutions No. 424-2005 thru 465-2005 inclusive were recorded and ordered filed.

September 8, 2005

The Invocation was given by Chaplain Stewart Dawson, Div. of Fire.

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Upon motion of Mr. Farmer and seconded by Ms. Shafer, the minutes of the June 9, 14, 16, 17 and 21, 2005 Council Meetings were approved by unanimous vote.

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Mr. Rick Curtis, Administrative Officer, Dept. of Public Safety, gave an update on the evacuees from Hurricane Katrina that were expected to be arriving in Lexington on or after September 14th.

Mr. Brown requested that Mr. Curtis be at Tuesday's Work Session to provide additional information about the assistance the city was providing for the evacuees.

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Mr. Farmer and Mr. Lane presented a Commemoration hailing and commending the District Champion 2005 Southeastern Cal Ripken 10-Year Old All Star Team, and introduced the players.

Coach Kevin Black spoke about the team and thanked the players for their dedication.

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Mr. Farmer and Mr. Lane presented a Commemoration hailing and commending the Cal Ripken World Series Runnerup 2005 Southeastern 12-Year Old All Star Team, and introduced the players.

Manager Kenny Grant spoke about the team, and thanked the Mayor and Council for the recognition.

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The following ordinances were given second reading with a public hearing being held.

An Ordinance levying ad valorem taxes for purposes of support of the Soil and Water Conservation District for the Fiscal Year July 1, 2005 through June 30, 2006, on the assessed value of all taxable real property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real property of public service companies, at a rate of \$.0004 of each One Hundred Dollars (\$100.00) of assessed valuation as of the January 1, 2005 assessment date.

An Ordinance pursuant to a request received from the Lexington-Fayette County Health Department, levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Department for the Fiscal Year July 1, 2005 through June 30,

2006, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real and personal property of public service companies, noncommercial aircraft, and inventory in transit, and excluding insurance capital, tobacco in storage, and agricultural products in storage, at the rate of \$.028 on each \$100.00 of assessed value as of the January 1, 2005 assessment date; and levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Department at the rate of \$.028 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government, as of the January 1, 2006 assessment date.

An Ordinance levying ad valorem taxes for municipal purposes for the Fiscal Year July 1, 2005 through June 30, 2006, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2005 assessment date), as follows: General Services District, \$.0800 on real property, including real property of public service companies, \$.0990 on personal property, including personal property of public service companies, noncommercial aircraft, and noncommercial watercraft, \$.1500 on insurance capital, \$.0150 on tobacco storage, and \$.0450 on agricultural products in storage; Full Urban or Partial Urban Services Districts based on urban services available on real property, including real property of public service companies, \$.1600 for Refuse Collection, \$.0210 for Street Lights, \$.0094 for Street Cleaning, \$.0920 on insurance capital, \$.0150 on tobacco in storage, \$.0450 on agricultural products in storage; and levying an ad valorem tax for municipal purposes at the rate of \$.0880 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2006 assessment date.

The Mayor opened the public hearing.

Mr. Bernard McCarthy, 515 Harry Street, requested additional information on the ordinances.

Ms. Donna Counts, Commissioner of Finance, explained the ordinances and the reasons for them.

There being no additional citizens to appear before the Council, the Mayor declared the public hearing closed.

The ordinances passed by the following vote:

Aye: Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton,
Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens ----- 15

Nay: ----- 0

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An Ordinance levying ad valorem taxes for purposes of support of the Agricultural Extension Office for the fiscal year July 1, 2005 through June 30, 2006, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2005 assessment date), as follows: \$.0031 on all taxable real property, including real property of public service companies, \$.0034 on taxable personal property, including personal property of public service companies and noncommercial aircraft, and excluding insurance capital, tobacco in storage, and agricultural products in storage; and levying an ad valorem tax for purposes of support of the Agricultural Extension Office at the rate of \$.0034 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2006 assessment date was on the docket for second reading with a public hearing being held.

The Mayor opened the public hearing.

Mr. Bernard McCarthy, 515 Harry Street, requested additional information on the ordinance.

Ms. Donna Counts, Commissioner of Finance, explained the ordinance and the reasons for them.

There being no additional citizens to appear before the Council, the Mayor declared the public hearing closed.

Dr. Stevens made a motion, seconded by Mr. McChord and passed by unanimous vote to amend the ordinance to specify that the tax does not apply to inventory in transit, and to correct the tax rate on motor vehicles from \$.0034 to \$.0032 on each \$100 of assessed value.

Dr. Stevens stated that these were not material changes and did not require a new first reading of the ordinance.

The ordinance was given second reading as amended and passed by the following vote:

Aye: Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens ----- 15

Nay: ----- 0

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Upon motion of Mr. Stinnett, seconded by Mr. Scanlon and passed by unanimous vote, the Council went into Closed Session at 7:25 p.m. for the purpose of discussing pending litigation.

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Upon motion of Mr. Stinnett, seconded by Mr. Farmer and passed by unanimous vote, the Council came out of Closed Session at 7:40 p.m. with the same members present.

Mr. Farmer made a motion, seconded by Mr. Scanlon, to override the Mayor's veto of a Resolution (Resolution No. 457-2004) directing that the Recommendations sent to the Ky. Dept. of Intergovernmental Program for the 2005-2006 Bond Program shall be the 12th Street, Liberty Road, and Clays Mill Road Projects, and resurfacing projects throughout Fayette County, with an estimated cost of \$3.4 million.

Dr. Stevens spoke about re-considering the resolution. He stated that there was a need for additional information from the State on the funding and road projects.

Mr. Jay Whitehead, Commissioner of Public Works, spoke about what road projects could be funded by the bond program.

There was a discussion among the Council on the issue.

The Mayor asked where there were any citizens present who wanted to speak on the issue, and there were none.

The Council asked questions of Mr. Bob Bayert, Div. of Engineering, about the road projects that could be done.

Mr. Farmer made a motion, seconded by Mr. Scanlon and passed by majority vote, to call for the question.

The motion passed by the following vote:

Aye: Stinnett, Wigginton, Brown, Cegelka, Farmer, Lane, McChord, Myers, Scanlon, Shafer ----- 10

Nay: DeCamp, Ellinger, Gorton, Moloney, Stevens ----- 5

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The following ordinances were given second reading and passed by the following vote:

Aye: Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens ----- 15

Nay: ----- 0

An Ordinance changing the zone from an Agricultural Rural (A-R) zone to an Expansion Area Residential (EAR-1) zone for 58.70 net (61.40 gross) acres and from an Agricultural Rural (A-R) zone to an Expansion Area Residential (EAR-2) zone for 85.40 net (95.10 gross) acres of property located at 3100, 3376 and 3440 Winchester Road, subject to certain use and buffer restrictions imposed as conditions of granting the zone change. (Paul S. and Lexie Justice)

An Ordinance accepting the bid of Judy Construction Co. in the amount of \$1,061,900.00, for replacement of West Hickman Wastewater Treatment Plant screw pump, and appropriating funds pursuant to Schedule No. 65.

An Ordinance authorizing the Mayor to accept a Grant from the National Football League Youth Football Fund, which grant funds are in the amount of \$14,000.00, are for the Youth Football Program operated by the Police Activities League (PAL), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 61, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Microcomputer Support Specialist, Grade 113N, and amending Section 21-5 of the Code of Ordinances creating one (1) position of Microcomputer Support Specialist, Grade 113N, in the Div. of Computer Services, and appropriating funds pursuant to Schedule No. 62.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Body and Paint Mechanic, Grade 110N, and creating one (1) position of Body and Paint Mechanic – Certified, Grade 111N and reclassifying the incumbent in the Div. of Fleet Services, to become effective retroactive to June 30, 2005, and appropriating funds pursuant to Schedule No. 63.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Computer Analyst, Grade 115E, and creating one (1) position of

Database Administrator, Grade 117E within the Div. of Computer Services, and appropriating funds pursuant to Schedule No. 64.

An Ordinance amending certain of the budgets to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 59.

An Ordinance authorizing the Mayor to accept a Grant and an additional twelve (12) months to complete the project from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which grant funds are in the amount of \$17,000.00 Federal funds, under the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2005, are for the purchase of radio equipment for the Emergency Preparedness Project related to stockpile of chemical weapons at the Blue Grass Army Depot, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 60, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance amending Ordinance No. 267-2004, as amended by Ordinances Nos. 220-2005 and 224-2005, relating to the schedule of meetings for the Urban County Council for Calendar Year 2005 to change the starting time for work sessions from 1:30 p.m. to 3:30 p.m. beginning October 6, 2005.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Traffic Information Specialist, Grade 112E, and creating one (1) position of Crosstown Traffic Host, Grade 112E, in the Div. of Traffic Engineering.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Administrative Specialist Sr., Grade 112N, and creating one (1) position of Grants Administrative Aide, Grade 112N, in the Div. of Community Development.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Information Systems Specialist, Grade 111N, and creating one (1) position of Information Systems Specialist Sr., Grade 114E, and reclassifying the incumbent, in the Div. of Police, to be effective retroactive to March 16, 2005, and appropriating funds pursuant to Schedule No. 68.

An Ordinance amending Section 22-5 of the Code of Ordinances creating one (1) position of Medical Assistant, Grade 107N, in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 69.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 67.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds for The Hope Center Therapeutic Community Program, and appropriating and reappropriating funds, Schedule No. 76.

An Ordinance authorizing the Mayor to accept a donation of one thousand (\$1,000.00) dollars, from Humana, Inc. for Ballet Under the Stars and appropriating funds pursuant to Schedule No. 73.

An Ordinance authorizing the Mayor to accept a Grant from the U. S. Dept. of Justice, which grant funds are in the amount of \$2,720.01 Federal funds, are for the purchase of bullet proof vests, for the Div. of Police and Office of the Fayette County Sheriff, the acceptance of which obligates the Urban County Government for the expenditure of \$1,840.00, appropriating funds pursuant to Schedule No. 70, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Justice Cabinet, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$60,000.00 Federal funds, are for continuation of the Sexual Assault Nurse Examiner (S.A.N.E.) Program, the acceptance of which obligates the Urban County Government for the expenditure of \$71,450.00 as a local match, appropriating funds pursuant to Schedule No. 71, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$270,400.00 Federal funds, are for the utility phase of the Loudon Avenue Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of

\$67,600.00 as a local match, appropriating funds pursuant to Schedule No. 72, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Staff Assistant Sr., Grade 108N and amending Section 21-5 of the Code of Ordinances creating one (1) position of Staff Assistant Sr., Grade 108N, all within the Div. of Family Services, and appropriating funds pursuant to Schedule No. 74.

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Upon motion of Mr. Myers, seconded by Mr. Stinnett and passed by unanimous vote, an Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Social Services Coordinator, Grade 114E and creating one (1) position of Program Administrator, Grade 117E, and reclassifying the incumbent, in the Dept. of Social Services, to be effective retroactive to March 16, 2005, and appropriating funds pursuant to Schedule No. 54 was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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The following resolutions were given second reading and passed by the following vote:

Aye: Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens ----- 15

Nay: ----- 0

A Resolution accepting the bid of Visual Image Systems Co., LLC establishing a price contract for decals, for the Div. of Police.

A Resolution accepting the bid of JGK Pipeline Services, Inc., in the amount of \$951,192.00, for Wolf Run #5 Sanitary Sewer Rehabilitation Project.

A Resolution accepting the bid of Dustmasters, Inc./Rejuvtec, in the amount of \$50,000.00, for asphalt rejuvenating project.

A Resolution accepting the bid of American Pavements, Inc., in the amount of \$150,000.00, for sealing of cracks in roadways.

A Resolution accepting the bid of USA Mobility establishing a price contract for pager rentals, for various departments and divisions of the Lexington-Fayette Urban County Government.

A Resolution accepting the bid of Central Rock Mineral Co., LLC, in the amount of \$237,214.40, for Man O' War at Nicholasville Road intersection rehabilitation.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with the Lexington Humane Society, for administration of the Spay and Neuter Grant Fund and Program.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement and a Lease Agreement with Lexington-Fayette Animal Care and Control, LLC, for animal control services, at a cost not to exceed \$740,190.00.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a permanent storm sewer easement from Ball Homes, LLC, located at 3550 Kenesaw Drive, for the Squires Hill Lane Culvert Replacement Project, and authorizing payment in the amount of \$600.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a permanent storm sewer easement from Dennis and Cheryl Anderson, located at 3500 Woodspring Drive, for the Squires Hill Lane Culvert Replacement Project, and authorizing payment in the amount of \$600.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a General Warranty Deed conveying the property located at 672 Coffee Tree Lane, 515 Douglas Avenue, and 515 Glen Arvin Avenue from Minnifield-Cutter-Ball, Inc., for storm water detention and open space facilities.

A Resolution authorizing the Mayor to execute Agreements with Lansdowne Elementary School PTA, Inc. (\$600.00), Kentucky Humanities Council, Inc. (\$1,500.00), YMCA of Central Kentucky, Inc. (\$1,100.00) and the Blue Grass Community Foundation, Parks of Fayette County (\$2,000.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute a Maintenance and Support Agreement for a term of 48 months, with Prescient Software, Inc., for updating and supporting Mun-Ease Bond Manager software, at a cost not to exceed \$1,750 annually, subject to sufficient funds being appropriated.

A Resolution approving the Report of the State Revenue Cabinet of the Lexington-Fayette Urban County Government Sheriff's Settlement of 2004 state taxes,

for taxes collected from May 1, 2004 through April 30, 2005, and granting the Sheriff a Quietus.

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A Resolution authorizing the Mayor to execute Lease Agreements with Bluegrass Community Services, Inc., Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc., Hire Older Workers, Center for Creative Living, Nursing Home Ombudsman Agency, Senior Community Services Employment Program/Urban League, Meals On Wheels, and Faith In Action, for space at the Lexington Senior Citizens Center was given second reading and passed by the following vote:

Aye: Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Scanlon, Shafer, Stevens ----- 14

Nay: ----- 0
(Mr. Myers disqualified himself when the vote was taken.)

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The following resolutions were given second reading and passed by the following vote:

Aye: Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Myers, Scanlon, Shafer, Stevens ----- 14

Nay: Moloney ----- 1

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A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Stoner Tatman and Donald Reynolds, located at 369 Thompson Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$5,700.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Stoner Tatman and Donald Reynolds, located at 375 Thompson Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$5,550.00, plus usual and appropriate closing costs.

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A Resolution establishing a Residential Parking Permit Program for the 700 block of Montclair Drive and waiving the provisions relating to the mechanics of designating residential parking permit areas adopted by Resolution No. 168-90 and amended by Resolution No. 450-91 was on the docket for second reading.

Upon motion of Mr. DeCamp, seconded by Ms. Shafer and passed by unanimous vote, the resolution was amended to specify that the parking restrictions apply from 8:00 a.m. to 4:00 p.m. Monday through Friday.

Mr. DeCamp stated that since the amendment was less restrictive, it was not a material change and did not require a new first reading of the resolution.

A Resolution establishing a Residential Parking Permit Program for the 700 block of Montclair Drive from 8:00 A.M. to 4:00 P.M. Monday through Friday and waiving the provisions relating to the mechanics of designating residential parking permit areas adopted by Resolution No. 168-90 and amended by Resolution No. 450-91 was given second reading as amended and passed by the following vote:

Aye: Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton,
Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens ----- 15

Nay: ----- 0

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The following resolutions were given first reading. Upon motion of Mr. McChord and seconded by Ms. Gorton, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye: Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton,
Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens ----- 15

Nay: ----- 0

A Resolution authorizing the Mayor to execute Agreements with American National Red Cross, Inc. (\$650.00), Clays Mill Elementary PTA, Inc. (\$975.00), Bryan Station Traditional Magnet School PTSA, Inc. (\$550.00), Bryan Station Band Association, Inc. (\$750.00), Bryan Station Baseball Booster Club, Inc. (\$250.00), American Legion Thoroughbred Post 341, Inc. (\$125.00), Blue Grass Community Foundation, Inc. (\$1,000.00), and Appalachia-Science in the Public Interest, Inc. (\$775.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution amending Resolution No. 64-95 establishing a Residential Parking Permit Program for the 600 block of Montclair Drive to specify inclusion of a corner address at 1283 Scoville Road in the program.

A Resolution proclaiming the Lexington-Fayette Urban County Government's support for, and endorsement of, the Bluegrass Pride Community Programs and requesting that the U. S. Congress and Ky. Legislature provide additional funding for such

programs, and hereby notifying U. S. Senators Jim Bunning and Mitch McConnell, U. S. Congressman Ben Chandler, Ky. Senators Julian Carroll, Alice Forgy Kerr, Ernesto Scorsone, and Tom Buford, Ky. Representatives Stan Lee, Charles Hoffman, Joe Barrows, Carolyn Belcher, Kathy Stein, Jesse Crenshaw, Bill Farmer, Ruth Ann Palumbo and Susan Westrom, Fayette County Judge Executive Sandra Varellas, Fayette County Attorney Margaret Kannensohn, and Fayette County Sheriff Kathy Witt of such proclamation.

A Resolution authorizing the Mayor to execute a Release and Rededication of Easement, relocating a utility easement at 9 Lansdowne Estates.

A Resolution authorizing the Mayor to execute two (2) releases of Easements, releasing a drainage and sanitary sewer easement at 3757 – 3761 Ridge View Way and a streetlight easement at 3761 – 3765 Ridge View Way.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with Roots & Heritage Festival, Inc., for the 2005 Roots & Heritage Festival, at a cost not to exceed \$43,720.00.

A Resolution authorizing the Mayor to execute a Contract Agreement with Free Contracting, Inc., for construction of Evans Mill Drainage Improvements, at a cost not to exceed \$98,895.50.

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A Resolution authorizing the Mayor to execute an Amendment to Agreement with The Hope Center, for continuation of The Hope Therapeutic Program in the Div. of Community Corrections, at a cost not to exceed \$175,000.00 was given first reading.

Upon motion of Mr. McChord and seconded by Ms. Gorton, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Stinnett, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane,
McChord, Moloney, Myers, Scanlon, Shafer, Stevens ----- 13

Nay: Wigginton, Brown ----- 2

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Upon motion of Mr. Ellinger, seconded by Mr. Stinnett and passed by unanimous vote, a Resolution authorizing the Mayor to execute a General Release with Marsh & McLennan Companies, Inc. (“Marsh”), accepting a settlement in the amount of \$35,385.53, payable in four annual installments, for potential claims against Marsh

identified in actions brought by the New York Attorney General and Superintendent of Insurance was placed on the docket and given first reading.

Upon motion of Mr. McChord and seconded by Mr. Stinnett, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton,
Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens ----- 15

Nay: ----- 0

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bids of Gall's, Inc. and GT Distributors, Inc., establishing a price contract for emergency equipment, for the Div. of Police.

A Resolution accepting the bids of Traffic Control Products, Inc., Peachtree Telecommunications, Rexel Southland Electrical & Datacom, Commscope, Inc., of North Carolina and Anxiter, Inc., establishing a price contract for fiber optic cable and control equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of G4S Justice Services establishing a price contract for electronic monitoring system, for the Div. of Community Corrections.

A Resolution adopting an updated Expansion area Exaction Rate Schedule for roads, parks, stormwater, open space, sewer transmission, and sewer capacity to reflect actual and/or contracted costs for eligible system improvements, for the Depts. of Finance and Public Works and the Divs. of Planning and Engineering.

A Resolution authorizing the Mayor to execute an amendment to Agreement with Young Men's Christian Association of Central Ky., Inc. (YMCA), for continued provision of services under the 21st Century Community Learning Center Project for an additional year, at a cost not to exceed \$949.00.

A Resolution authorizing the Mayor to execute Amendments to Agreements with the Ky. Transportation Cabinet, extending the terms of the Agreements for the West Hickman Trail Project, the Traffic Control Project, and the ITS Traffic Signal Installation Project to June 30, 2006, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with Hall-Harmon Engineers, Inc., for the Alumni Drive Turn Lane Project

design, increasing the contract price by the sum of \$7,152.13 from \$29,500.00 to \$36,652.13.

A Resolution ratifying the probationary civil service appointments of: Phillip Finley, Custodial Worker, Grade 102N, \$11.083 hourly, in the Div. of Building Maintenance and Construction, effective September 19, 2005; Kathryn Tattershall Harvey, Administrative Specialist Sr., Grade 112N, \$16.098 hourly, in the Div. of Family Services, effective September 5, 2005; Jamison Owens, Communications Officer, Grade 111N, \$14.557 hourly, in the Div. of Police, effective September 19, 2005; Charles J. Douglas, Skilled Trades Worker, Grade 111N, \$18.860 hourly, in the Div. of Building Maintenance and Construction, effective September 19, 2005; Joseph Hutchinson, Equipment Operator Sr., Grade 109N, \$13.582 hourly, in the Div. of Streets, Roads & Forestry, effective September 19, 2005; Robert Austin, Equipment Operator, Grade 108N, \$14.553 hourly, in the Div. of Sanitary Sewers, effective September 19, 2005; Donald Warner, Equipment Operator, Grade 108N, \$16.226 hourly, in the Div. of Sanitary Sewers, effective September 19, 2005; Aaron Johnson, Equipment Operator Sr., Grade 109N, \$12.135 hourly, in the Div. of Sanitary Sewers, effective September 19, 2005; Delores D. Miller, Custodial Worker, Grade 102N, \$10.487 hourly, in the Div. of Building Maintenance & Construction, effective September 19, 2005; Debra Bright, Buyer, Grade 112E, \$1,439.36 bi-weekly, in the Div. of Purchasing, effective September 19, 2005; Pamela Perry, Buyer, Grade 112E, \$1,406.88 bi-weekly, in the Div. of Purchasing, effective September 19, 2005; ratifying the permanent civil service appointments of: Sam Williams, Municipal Engineer Sr., Grade 119E, in the Div. of Engineering, effective September 7, 2005; Donna Sayre, Communications Officer Sr., Grade 113N, in the Div. of Police, effective July 10, 2005; ratifying the probationary sworn appointments of: Mark Blankenship, Fire Captain, Grade 316N, \$1,559.84 bi-weekly, in the Div. of Fire, effective August 10, 2005; Jason Tuttle, Fire Lieutenant, Grade 315N, \$1,179.92 bi-weekly, in the Div. of Fire, effective August 10, 2005; approving leave of absence for: Janet Vannatta, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, request one day leave of absence without pay effective August 28, 2005; Suzanne Taylor, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, request a 90 day leave of absence without pay, effective September 14, 2005 through December 12,

2005; approving the unclassified civil service appointment of: Jarrod Jones, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective September 19, 2005.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a permanent sanitary sewer easement from Delong Concrete, LLC, located at 1316 Cahill Drive, for the Wolf Run Sanitary Sewer Project, and authorizing payment in the amount of \$6,750.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Robert and Leona Monson, located at 551 Anniston Drive, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$4,775.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Purchase Agreement, to accept a Deed of Temporary Construction Easement, to execute the Certificate of Consideration and to accept a General Warranty Deed and to execute and accept any other necessary documents, all from the Lexington-Fayette Urban County Housing Authority for the Bluegrass-Aspendale Blvd., at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Agreements with the Bluegrass Technology Center, Inc. (\$675.00), Act Ministries, Inc. (\$300.00), and Bluegrass Aspendale Neighborhood Assoc., Inc. (\$500.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute an Agreement with the Fayette County Commonwealth Attorney's Office, for the Fast Track and Major Violator Prosecution Programs of the Street Sales Enforcement Project, at a cost not to exceed \$34,590.00.

A Resolution authorizing the Mayor to execute an Agreement with the University of Ky. Children's Hospital, for the Pediatric After-Hours Care Program, for the Family Care Center, at a cost not to exceed \$150.00 per month plus \$5.00 per pediatric triage phone call.

A Resolution authorizing the Mayor to execute a Lease Agreement with the National Alliance for the Mentally Ill (NAMI), for its use of space at the Black and Williams Neighborhood Center.

A Resolution authorizing the Mayor to execute a Rental Agreement with Lexington Center Corp., for rental of the Lexington Opera House, for the Kiddie Kaper Dance Recital scheduled for April 20-22, 2006, at a cost not to exceed \$6,500.00.

A Resolution authorizing the Mayor to execute a License Agreement with Midnight Terror Productions, LLC, for the annual Halloween Event at Jacobson Park scheduled for October 7-9, 14-16, 21-23, and 27-31, 2005, at no cost to the Government.

A Resolution authorizing the Mayor to execute an Agreement with U. S. Geological Survey, for continued ongoing maintenance of stream flow and rain gauges, at a cost not to exceed \$103,250.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with CNOTP Railway Co., for right-of-way and track relocation work for the West Reynolds Road Project, increasing the contract price by the sum of \$37,681.09 from \$1,257,440.00 to \$1,295,121.09.

A Resolution authorizing the Mayor to execute Change Order No. 2 to the Contract with Spectrum Contracting Services, Inc., for renovation of the 4th Floor, Phoenix Building, increasing the contract price by the sum of \$3,292.00 from \$321,027.00 to \$324,319.00.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #3 to provide garbage and refuse collection; which area is defined as certain properties on the following streets: East Vista Street, Lauren Way and Dardanelles Drive.

A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District to provide street lighting, street cleaning and garbage and refuse collection; which area is defined as certain properties on the following streets: Alysheba Way; Tucker, David & Anna Prop., Andover Creek Lane; Newmarket, Phase 1, Unit 1-A, Angus Trail; Chesapeake Equine Prop., Unit 1, Applecross Drive; Chesapeake Equine Prop., Unit 2, Applecross Drive; Hamburg Place Comm. Dev., Phase 2, Astarita Way; Magna Entertainment Corp., Phase 1, Atoma Drive; Masterson-Depriest Unit 1-H, Bay Colony Lane; Masterson Station Unit 11-F, Bay Colony Lane; Waveland Estates, Unit 1-A, Baylor Place; Newmarket, Unit 4-C, Beaten Path; Newmarket Unit 4-A, Beaten Path; Coons Prop. Unit 12-B, Bella Dona Road; Coons Prop. Unit 12-C, Bella Dona Road; Coons Prop. Unit 12-D, Bella Dona Road; Masterson Station Unit 11-H, Belle Haven Place; Highland Lakes, Unit 8-A, Biltmore Place; Blackford Prop., Phase 1, Unit 4-

E, Blackford Parkway; Blackford Prop., Phase 1, Unit 4-B, Bledsoe Place; Denton Farms, Inc., Unit 1-D, Branham Park; Denton Farms, Inc., Unit 1-E, Branham Park; Denton Farms, Inc., Unit 1-F, Branham Park; Newmarket, Unit 4-A, Brick House Lane; Newmarket, Unit 4-B, Brick House Lane; Newmarket, Phase 1, Unit 1-A, Brick House Lane; Hamburg Place Farm Lot 5, Bryant Road; Gess Prop., Unit 13-A, Burgin Pass; Tuscany, Unit 1-D, Carducci Street; Coons Prop. Unit 12-A, Chas Drive; Blackford Prop., Phase 1, Unit 4-E, Cherry Meadow Path; Blackford Prop., Phase 1, Unit 4-F, Cherry Meadow Path; Richardson Prop., Unit 3, Chilesburg Road; Pinnacle Unit 2-E Lot 1, Clearwater Way; Blackford Prop., Phase 2, Unit 1-A, Constantine Avenue; Masterson Station Unit 11-G, Corbin Walk; Masterson Station Unit 11-F, Corbin Walk; Tuscany, Unit 1-D, Coroneo Lane; Tuscany, Unit 1-B, Coroneo Lane; Burke, Hockensmith & Maggard, Unit 1-B, Lot 3, Blk C, Danforth Drive; Dotson Prop., Unit 1-C, Day Lily Drive; Dotson Prop., Unit 1-B, Day Lily Drive; Dotson Prop., Unit 1-A, Day Lily Drive; Highland Lakes, Unit 8-B, Deltino Court; Blackford Prop., Phase 2, Unit 1-B, Drexel Pass; Gess Prop., Unit 13-B, Drifter Way; Denton Farms, Inc., Unit 1-A, Ellerslie Park Boulevard; Denton Farms, Inc., Unit 1-B, Ellerslie Park Boulevard; Richardson Prop., Unit 4, Sec. 4, Emilie Lane; Sunny Slope Farm, Sec. 1, Unit 1-A, Everetts Dale; Hamburg Place Comm. Dev., Phase 2, Flying Ebony Drive; Pinecrest Subd., Unit 1-A, Foleys Trail; Pinecrest Subd., Unit 1-B, Foleys Trail; Hamburg Place Comm. Dev., Phase 2, Franks Way; Gess Prop., Unit 13-C, Gillmoss Lane; Gess Prop., Unit 13-D, Gillmoss Lane; Blackford Prop., Phase 1, Unit 4-C, Glengarth Park; Dotson Prop., Unit 1-F, Goldenrod Lane; Dotson Prop., Unit 1-D, Goldenrod Lane; Dotson Prop., Unit 1-C, Goldenrod Lane; Blackford Prop., Phase 1, Unit 4-D, Gooseberry Circle; Denton Farms, Inc., Unit 1-C, Grassland Park; Denton Farms, Inc., Unit 1-D, Grassland Park; Hillenmeyer Prop, Greendale Road; Pinecrest Subd., Unit 1-E, Harlan Circle; Sharkey Property, Unit 1 Lot 8, Hatter Lane; Richardson Property, Unit 3, Hays Boulevard; Hamburg Place Comm. Dev., Phase 2, Healy Lane; Sunny Slope Farm, Unit 2-C, Hollyberry Lane; Sunny Slope Farm, Unit 2-E, Hollyberry Lane; Sunny Slope Farm, Unit 2-F, Hollyberry Lane; Richardson Prop., Unit 4, Sec. 4, Holmes Way; Horsemint Trail; Burke, Hockensmith & Maggard, Unit 1-B, Lot 3, Blk C, Jaggie Fox Way; Richardson Prop. Unit 4, Jane Briggs Avenue; Coons Prop. Unit 12-B, Jasmine Rose Way; Coons Prop. Unit 12-C, Jasmine Rose Way; Coons Prop. Unit 12-D, Jasmine Rose Way; Coons Prop. Unit 12-A, Jasmine Rose Way; Masterson-Depriest Unit 1-H, Jenna

Rest; Masterson Station Unit 11-G, Jenna Rest; Waveland Estates, Unit 1-B, Joseph Brian Way; Waveland Estates, Unit 1-C, Joseph Brian Way; Chesapeake Equine Prop., Unit 1, Keirfield Court; Denton Farms, Inc., Unit 1-E, Kelburn Court; Chesapeake Equine Prop., Unit 1, Killean Court; Magna Entertainment Corp., Phase 1, Konner Woods Drive; Gess Prop., Unit 14-C, Lanarkshire Place; Gess Prop., Unit 14-B, Lanarkshire Place; Gess Prop., Unit 14-C, Larkhill Lane; Denton Farms, Inc., Unit 1-A, Leighton Lane; Coons Prop. Unit 12-B, Lemon Rue Way; Coons Prop. Unit 12-C, Lemon Rue Way; Coons Prop. Unit 12-A, Lemon Rue Way; Coons Prop. Unit 12-D, Lemon Rue Way; The Glen @ Lochdale, Unit 2-F, Lots 132 & 134, Lochdale Terrace; Waveland Estates, Unit 1-B, Lochdale Terrace; Waveland Estates, Unit 1-A, Lochdale Terrace; Richardson Prop. Unit 4, Logans Fort Lane; Richardson Prop., Unit 4, Sec. 4, Logans Fort Lane; Chesapeake Equine Prop., Unit 2, Lonan Court; Marshall Prop., Unit 2-G, Long Branch Lane; Gess Prop., Unit 14-B, Lotus Lane; Sharkey Prop., Unit 1, Louie Place; Sharkey Prop. (Amd) Unit 1, Lot 1, Louie Place; Dotson Prop., Unit 1-F, Lucille Drive; Dotson Prop., Unit 1-G, Lucille Drive; Dotson Prop., Unit 1-B, Lucille Drive; Dotson Prop., Unit 1-A, Lucille Drive, Lupine Lane; Hillenmeyer Prop, Mable Lane; Blackford Prop., Phase 2, Unit 1-A, Mahala Lane; Blackford Prop., Phase 2, Unit 1-B, Mahala Lane; Blackford Prop., Phase 2, Unit 1-C, Mahala Lane; Masterson-Depriest Unit 1-G, Majestic View Cove; Masterson Station Unit 11-H, Majestic View Walk; Masterson Station Unit 11-G, Majestic View Walk; Masterson Station Unit 11-F, Majestic View Walk; Masterson-Depriest Unit 1-G, Majestic View Walk; Masterson-Depriest Unit 1-H, Majestic View Walk; Blackford Prop., Phase 1, Unit 4-C, Man O War Boulevard; Mannington Place; Manny Oaks Park; Gess Prop., Unit 14-B, Marcus Trail; Gess Prop., Unit 12-D, Marcus Trail; Gess Prop., Unit 12-E, Marcus Trail; Gess Prop., Unit 14-B, Maxon Way; Anderson Prop., Unit 3, Chilesburg Road @ Still Meadow, Mist Flower Lane; Gess Prop., Unit 13-C, Moonstar Court; Dotson Prop., Unit 1-E, Mountain Laurel Circle, Mountain Laurel Way; Dotson Prop., Unit 1-F, Mountain Laurel Way; Dotson Prop., Unit 1-G, Mountain Laurel Way; Dotson Prop., Unit 1-B, Mountain Laurel Way; Chesapeake Equine Prop., Unit 1, Mulundy Way; Webb Properties Unit 1, Norman Lane; Hamburg Place Comm. Dev., Phase 2, Ogden Way; Hamburg Place Comm. Dev., Phase 2-A, Multi-Family Res., Ogden Way, Old Rosebud Road; Hamburg Place Farm Sir Barton Way Office Lots B Thru J, Old Rosebud Road; Denton Farms, Inc., Unit 1-A, Ormesby Place; Wellington Way LLC, Palomar Centre Drive; Gess Prop., Unit

14-C, Parsons Lane; Tuscany, Unit 1-C, Pascoli Place; Tuscany, Unit 1-D, Pascoli Place;
Marshall Prop., Unit 2-G, Peaks Mill Drive; Gess Prop., Unit 13-A, Pearl Cove; Gess Prop.,
Unit 12-D, Pebble Brook Circle; Gess Prop., Unit 12-C, Pebble Brook Circle; Pinecrest
Subd., Unit 1-D, Pine Ridge Way; Pinecrest Subd., Unit 1-C, Pine Ridge Way; Pinecrest
Subd., Unit 1-E, Pinecrest Way; Pinecrest Subd., Unit 1-D, Pinecrest Way; Pinecrest
Subd., Unit 1-C, Pinecrest Way; Hamburg Place Farm (Plaudit Place Comm. Dev.) Lot 5,
Plaudit Place, Pleasant Ridge Drive; Magna Entertainment Corp., Phase 1, Polk Lane;
Sikura-Justice Prop., Unit 6, Polo Club Boulevard; Newmarket, Phase 1, Unit 1-C, Polo
Club Boulevard; Newmarket, Unit 4-C, Polo Club Boulevard; Newmarket, Phase 1, Unit 1-
A, Polo Club Boulevard; Newmarket, Unit 4-A, Polo Club Boulevard; Sunshine Prop., Lots
1-4, Polo Club Boulevard; Hamburg Place Comm. Dev., Phase 2, Princess Doreen Drive;
Highland Lakes, Unit 8-A, Ravenna Lane; Dotson Prop., Unit 1-E, Red Clover Lane;
Dotson Prop., Unit 1-D, Red Clover Lane; Dotson Prop., Unit 1-C, Red Clover Lane;
Kirklevington South Unit 2 Lots 2 & 3, Redding Road; Richardson Prop. Unit 4, Richardson
Place; Tucker, David & Anna, Ridge View Way; Gess Prop., Unit 13-A, Rivard Lane; Gess
Prop., Unit 13-B, Rivard Lane; Hamburg Place Comm. Dev., Phase 2, Rockminster Road;
Tuscany, Unit 1-B, Rossini Place; Tuscany, Unit 1-C, San Milano Place; Hillenmeyer Prop.,
Sandersville Road; Masterson-Depriest Unit 1-G, Satin Leaf Park; Blackford Prop., Phase
1, Unit 1-E, Sec 2, Scottish Trace; Blackford Prop., Phase 2, Unit 1-A, Scottish Trace;
Blackford Prop., Phase 1, Unit 4-C, Scottish Trace; Blackford Prop., Phase 1, Unit 4-B,
Scottish Trace; Blackford Prop., Phase 1, Unit 1-E Sec 2, Scottish Trace; Sharkey Prop.,
Unit 1, Sharkey Way; Marehaven, Unit 3, Silver Mare Court; Hamburg Place Farm Sir
Barton Way Office Lots B Thru J, Sir Barton Way; Hamburg Place Farm, Sir Barton Way
Office Park, Sir Barton Way; Sir Barton Way; Tuscany, Unit 1-C, Sir Barton Way; Denton
Farms, Inc., Unit 1-A, Somersly Place; Denton Farms, Inc., Unit 1-B, Somersly Place;
Highland Lakes, Unit 8-C, SouthPoint Drive; Kirklevington South Unit 2 Lots 2 & 3,
Spangler Drive; Gess Prop., Unit 13-D, Sperling Drive; Pinecrest Subd., Unit 1-A, Spring
Run Road; Pinecrest Subd., Unit 1-D, Spring Run Road; Sunny Slope Farm, Sec. 1, Unit
1-A, Sprucewood Drive; Dotson Prop., Unit 1-G, Spurr Road; Marehaven, Unit 3, Stallion
Run; Gess Property, Unit 12-C, Stansberry Cove; Star Shoot Parkway; Hamburg Place
Community, Phase 2, Condo-Residential, Star Shoot Parkway; Hamburg Place Comm.,
Phase 2, Condo. Res., Lot 1, Sec. 1, Star Shoot Parkway; Anderson Prop., Unit 3,

Chilesburg Road @ Still Meadow, Still Meadow Lane; Newmarket, Phase 1, Unit 1-A,
 Stolen Horse Trace; Richardson Property, Unit 3, Stuart Hall Boulevard; Sundrop Path;
Sunny Slope Farm, Unit 2-D, Sunny Slope Trace; Sunny Slope Farm, Unit 2-C, Sunny
 Slope Trace; Sunny Slope Farm, Unit 2-G, Sunny Slope Trace, Sweetspire Drive; Sunny
Slope Farm, Unit 2-F, Sweetspire Drive; Denton Farms, Inc., Unit 1-B, Tatton Park;
Denton Farms, Inc., Unit 1-C, Tatton Park; Denton Farms, Inc., Unit 1-E, Tatton Park;
Blackford Prop., Phase 1, Unit 4-F, Thistle Park; Blackford Prop., Phase 1, Unit 1-D Sec 2,
 Timberneck Cove; Marshall Prop., Unit 2-H, Town Branch Cove, Town Branch Road;
Marshall Prop., Unit 2-G, Town Branch Road; Gess Property, Unit 12-C, Tradewind Way;
Marehaven, Unit 3, Trailwood Lane; Gess Prop., Unit 13-B, Turtle Creek Cove, Turtle
 Creek Way; Gess Prop., Unit 13-C, Turtle Creek Way; Hamburg Place Community, Phase
2, Condo-Residential, Village Green Avenue; Hamburg Place Comm., Phase 2, Condo.
Res., Lot 1, Sec. 1, Village Green Avenue; Webb Properties Unit 1, West Lowry Lane;
Wellington Way LLC, Wellington Way; Magna Entertainment Corp., Phase 1, Willis Drive;
Gess Prop., Unit 13-D, Willman Way; Gess Prop., Unit 12-E, Willman Way; Masterson-
Depriest Unit 1-F Section 2, Winding Oak Trail; Highland Lakes, Unit 8-C, Windstar Way;
Highland Lakes, Unit 8-A, Windstar Way; Highland Lakes, Unit 8-B, Windstar Way;
Waveland Estates, Unit 1-C, Winthrop Drive; Sunny Slope Farm, Unit 2-A, Winthrop Drive;
Sunny Slope Farm, Unit 2-B, Winthrop Drive; Sunny Slope Farm, Unit 2-G, Wyndham Hills
 Drive; Sunny Slope Farm, Unit 1-E, Wyndham Hills Drive; Marehaven, Unit 3, Yearling
 Circle; Sunny Slope Farm, Unit 2-C, Yellowwood Trace; Sunny Slope Farm, Unit 2-D,
 Yellowwood Trace; Sunny Slope Farm, Unit 2-E, Yellowwood Trace; The Glen @
Lochdale, Unit 4-A, Goldon Trophy Trail; Literary Circle; The Glen @ Lochdale, Unit 4-C,
 Lochdale Terrace; Waveland Estates, Lot 71, Lochdale Terrace; Pinecrest Subd., Unit 1-
E, Pine Ridge Way; Pinecrest Subd., Unit 1-D, Pine Ridge Way; Sikura-Justice Prop., Unit
6, Polo Club Lane; Todds Road; and The Glen @ Lochdale, Unit 4-C, Twin Spires Trail.

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Upon motion of Ms. Shafer, seconded by Ms. Gorton and passed by unanimous
 vote, the following communications were received from the Mayor: (1) recommending the
 appointment of Harry Sykes to the Civil Service Commission with a term to expire 4-1-
 2006. Mr. Sykes will fill the unexpired term of Retia Scott-Walker; (2) recommending the
 appointments of Dana Sizemore, Chuck Fowler, Ann Henry and Jessica Pasley to the
 Citizens Corps Council with terms to expire 12-16-2007. Ms. Sizemore will replace Eloise

Beebout; Mr. Fowler will replace Jeff Henry as Fire Dept. representative; Ms. Henry will replace Barbara Thompson as United Way of the Bluegrass Representative and Ms. Pasley will replace Gail Swanson; (3) recommending the appointments of James Turley and Ben Turpin to the Black & Williams Community Center Board with terms to expire 1-27-2009 and 1-27-2007, respectively; and (4) recommending the appointment of Zephrenia Campbell to the One Parent Family Facility Board with a term to expire 4-1-2007. Ms. Campbell will fill the unexpired term of Gwendolyn Collins.

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The following communications from the Mayor were received for information only:

(1) Resignation of Frederick Cotton, Firefighter, Grade 311N, in the Div. of Fire, effective August 23, 2005; (2) Resignation of Alichia M. Stanley, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 26, 2005; (3) Resignation of Robert Renfro, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 4, 2005; (4) Resignation of Rossele Cowan, Public Service Worker, Grade 106N, in the Div. of Solid Waste, effective August 15, 2005; (5) Resignation of Lee Daniels, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 25, 2005; (6) Resignation of Erik Lee, Associate Municipal Engineer, Grade 115E, in the Div. of Engineering, effective August 19, 2005; (7) Resignation of Rodney Waugh, Equipment Operator Sr., Grade 109N, in the Div. of Streets, Roads & Forestry, effective August 19, 2005; (8) Resignation of Keith Thomas, Equipment Operator Sr., Grade 109N, in the Div. of Solid Waste, effective August 15, 2005; and (9) Reinstatement of Charles Boggs, Firefighter, Grade 311N, \$863.84 bi-weekly, in the Div. of Fire, effective September 19, 2005.

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Mr. Bernard McCarthy, 515 Harry Street, spoke about _____

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Mr. Robert Dalton, 520 Douglas Avenue, spoke in support of citizens taking the Community Emergency Response Team classes provided by the Urban County Government through the Div. of Environmental and Emergency Management.

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Ms. Carol Linmeyer, Dantzler Court, stated her concerns with parking in neighborhoods during football games and student parties.

Mayor spoke.

Dr. Stevens spoke.

Mr. Scanlon requested that Ms. Linmeyer speak with Mr. Jerry Southers, Acting Council Administrator, about the issue, and told her that they would follow up on these issues.

LISTEN TO TAPE FOR ABOVE

* * *
The Council recessed at 8:50 p.m.

* * *
The Council returned at 8:55 p.m. with the same members present except for Mr. Wigginton and Ms. Gorton.

An Ordinance changing the zone from a Neighborhood Business (B-1) zone with conditional zoning restrictions to a Neighborhood Business (B-1) zone with modified conditional zoning restrictions for 4.19 net (5.83 gross) acres of property located at 1097 Duval Street (Nuti Builders, Inc.) was given second reading with a public hearing being held.

The Mayor explained the procedures of the public hearing and swore in the witnesses.

Mr. Bill Sallee, Div. of Planning, made his presentation and filed the following exhibits: (1) Legal Notice, (2) Affidavit of notices mailed, (3) MAR ____ - Final Report and recommendation of the Planning Commission, (4) Zoning Ordinance, (5) Land Subdivision Regulations, (6) 2001 Comprehensive Plan, (7) Conditional Zoning info, (8) Zoning Map, (9) Sheet with yellow highlights, (10) Photographs of area, (11) Comprehensive Plan Map, (12) Zoning Ordinance Excerpt and (13) Proposed Development Plan.

Mr. Dick Murphy, attorney for the petitioner, stated that they would be withdrawing their request for a branch bank on the subject property.

Mr. Murphy asked Mr. Sallee _____ **(LISTEN TO TAPE).**

Mr. Mason Miller, President of the Tanbark Neighborhood Association, asked Mr. Sallee about the uses allowed under the current zoning restrictions.

Mr. Murphy gave the reasons for the requested zone change and filed the following exhibits: (1) Affidavit of sign posted, (2) Aerial Photo and (3) Exhibit Book, which included the following: (a)

Mr. Don Clapp, resident of the Tanbark neighborhood, gave the reasons against the requested zone change and filled the following exhibits: (a) History of Tanbark

Association of Neighbors, (b) 1996 Conditions and 2005 Conditions, (c) the Association's position, (d) Position, cont., (e) Position, cont., (f) Map showing residential areas surrounding subject property, (g) Photo of site area, (h) Photo, (i) Photo), (j) Photo of proposed building, (k) Photo, (l) Photo and (m) Summary.

The Mayor asked those who were opposed to the requested zone change to stand, and then she asked those in favor to stand.

The following citizens spoke against the requested zone change: (1) Mr. Mike Sweeney, Cumberland Hills Neighborhood Association, (2) Mr. Scott Wilson, President, Cumberland Hills Neighborhood Association, and (3) Mr. Mason Miller, Tanbark Neighborhood Association.

Mr. Murphy made an objection to part of Mr. Miller's testimony.

The Mayor sustained Mr. Murphy's objection.

Mr. Murphy made his summation.

The Council asked questions of Mr. Sallee, Mr. Jim Nuti, petitioner, Mr. Murphy, Mr. Miller and Mr. Clapp.

The Mayor swore in Mr. Dave Curtis, 3933 Crosby Drive, and Mr. Randolph Wilson, ____ Tanbark.

The following citizens spoke against the requested zone change: (1) Mr. Dave Dicken, 413 Hartland, (2) Mr. Dave Curtis, 3933 Crosby Drive, and (3) Mr. Randolph Wilson, ____ Tanbark.

The Council asked questions of Mr. Wilson, Mr. Sallee, and Mr. Ed Gardner, Dept. of Law.

Mr. Murphy made a rebuttal to some of the testimony.

Mr. Miller made a rebuttal. **(LISTEN TO TAPE)**

DID THEY GO INTO CLOSED SESSION? LISTEN TO TAPE

Mr. Lane made a motion, seconded by _____, to adopt the following Findings for Approval (????) of the Planning Commission:\

PUT IN THE FOF

Mr. Scanlon asked Mr. Gardner about whether the ordinance could be sent back to the Planning Commission for further review.

Mr. Scanlon asked Mr. Sallee about a one-year waiting period for rezoning issues. **(LISTEN TO TAPE)**

Mr. Scanlon made a motion, seconded by Mr. DeCamp, to remand the ordinance back to the Planning Commission.

The motion passed by the following vote:

Aye: Stinnett, Cegelka, DeCamp, Ellinger, Farmer, McChord,
Scanlon, Stevens ----- 8

Nay: Brown, Lane, Moloney, Myers, Shafer ----- 5

There was a discussion among the Council on remanding the ordinance back to the Planning Commission.

Mr. Miller spoke about the motion. **(LISTEN TO TAPE)**

Mr. Murphy spoke about the motion.

Mr. Gardner spoke.

The Mayor asked Mr. Gardner whether Findings of Fact were needed in order to remand the ordinance back to the Planning Commission.

The Council asked questions of Mr. Gardner and Mr. Sallee.

Mr. Scanlon called for the question.

Mr. Gardner spoke.

Mr. DeCamp spoke.

WHEN WAS THE VOTE ON THE FOF DONE?

Upon motion of Mr. Scanlon, seconded by _____ and passed by _____ vote, an Ordinance remanding the proposed zone change for property at 1097 Duval Street to the Planning Commission based on the major changes to the application made at the Council hearing on September 8, 2005 for further Planning Commission proceedings based on the amended application was placed on the docket and given first reading.

_____ made a motion, seconded by _____ to suspend the rules and give second reading to the ordinance.

The motion failed to pass by the following vote:

Aye: Stinnett, Cegelka, DeCamp, Ellinger, Farmer, McChord,
Scanlon, Stevens ----- 8

Nay: Brown, Lane, Moloney, Myers, Shafer ----- 5

Dr. Stevens made a motion, seconded by Mr. Scanlon, to recess the meeting until Tuesday, September 13, 2005 at 1:30 p.m.

The motion failed to pass by a vote of 6-7.

Mr. Ellinger made a motion, seconded by Mr. Scanlon, to have a Special Meeting on September 13, 2005 at 1:30 p.m. for second reading of the ordinance.

The motion passed by a vote of 8-5.

The ordinance was ordered placed on file for public inspection until a Special Meeting to be held on September 13, 2005 at 1:30 p.m.

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The meeting adjourned at 11:55 p.m.

Clerk of the Urban County Council